

TAJIKISTAN: TIER 2 WATCH LIST

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by establishing the first police unit dedicated to investigating trafficking crimes; increasing investigations of alleged traffickers, including labor recruitment firms that may have been complicit in the exploitation of migrants; providing funding to an NGO for awareness-raising activities; establishing a hotline for potential victims; and continuing to monitor for forced labor of children in the annual cotton harvest. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Endemic corruption contributed to the transport of victims across borders, yet the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Although the government continued to publicize the ban on child labor in the cotton harvest, there were reports that citizens were coerced into manual labor, including the cotton harvest. For the third consecutive year, it did not implement its victim protection law, leaving officials without victim identification and referral procedures, and resulted in inadequate victim protection services. Therefore Tajikistan was downgraded to Tier 2 Watch List.

RECOMMENDATIONS FOR TAJIKISTAN

Implement standard operating procedures for identifying trafficking victims and referring them to care, including any victims of forced labor in the cotton harvest; train law enforcement to screen men and women in prostitution for signs of trafficking and ensure sex trafficking victims are not penalized for prostitution offenses; while respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit in trafficking, and convict and appropriately sentence perpetrators; increase measures and dedicate funding or in-kind support to provide comprehensive care to victims and encourage their assistance in the investigation and prosecution of traffickers either directly or via partnerships with NGOs; amend existing anti-trafficking legislation to more closely conform with international standards, specifically to criminalize child sex trafficking in the absence of force, fraud, and coercion; continue to enforce the prohibition against the forced labor of children in the annual cotton harvest by inspecting fields during the harvest in collaboration with local officials and NGOs; take substantive action to end the use of forced adult labor in public works projects and in the annual cotton harvest; improve the collection of anti-trafficking law enforcement data; continue to provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement

officers, border guards, and customs officials, to prevent their engagement or facilitation of trafficking crimes.

PROSECUTION

The government maintained its anti-trafficking law enforcement efforts, but did not provide information on prosecutions or convictions of traffickers. The 2003 criminal code, amended in 2004 and 2008, criminalized all forms of labor trafficking and some forms of sex trafficking. Article 130.1 criminalized labor and some forms of sex trafficking and prescribed penalties of five to eight years imprisonment, which are sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, article 130.1 required a demonstration of forced, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Article 132 criminalized recruitment for sexual or other exploitation through fraud—but not through coercion — and carried a maximum penalty of two years imprisonment; these penalties were not sufficiently stringent nor, with regard to sex trafficking, commensurate with other grave crimes, such as rape. Article 167 prohibited the buying and selling of children, prescribing five to eight years imprisonment and several other criminal code provisions include trafficking crimes, such as article 130.2, which criminalizes the use of slave labor, and article 241.2, which criminalizes the use of minors in the production of pornography.

The government investigated 42 cases involving 65 suspected traffickers in 2017, compared to 18 cases involving 24 suspected traffickers investigated in 2016. The government did not report initiating any prosecutions or convicting any alleged traffickers in 2017, compared with 13 prosecutions and 10 convictions in 2016. International organizations reported that the government prosecuted 22 cases under article 130.1 during the first 11 months of 2017. The organization reported that 13 additional cases were identified under article 132, and 10 under article 167; it is unclear how many of these cases involved trafficking crimes. Media reports indicate that courts convicted at least three traffickers for their roles in recruiting Tajik women with false promises of overseas employment in the United Arab Emirates and Turkey, where the women subsequently endured forced prostitution. Sentences ranged from eight to ten years imprisonment. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Endemic corruption facilitated transport of victims across borders and through inspection points. In 2017, the Ministry of

Internal Affairs (MIA) established the first unit dedicated to investigate only trafficking cases. The unit consisted of 30 officers—18 in the Dushanbe office headquarters, and 12 across four regional offices. The MIA continued to conduct training on human trafficking for new staff as part of its training academy curriculum. In partnership with NGOs, the government trained investigators, prosecutors, and judges on the 2014 victim protection law, victim-centered approaches, and investigative techniques.

PROTECTION

The government maintained minimal efforts to identify trafficking victims, but provided no protection services. The government identified and referred 15 victims to international organizations for assistance, an increase from six victims in 2016 and eight in 2015. Four additional victims were referred by NGOs to an international organization. Civil society groups and international organizations provided protective services to 13 trafficking victims in 2017. The government provided repatriation assistance to one citizen, identified as a trafficking victim in Saudi Arabia. The government made no progress in implementing the 2014 victim protection law, which set forth the provision of victim services; formalized the roles of agencies tasked with providing services; established government standards for service delivery among providers, including governmental agencies and NGOs; and mandated a national referral mechanism, which the government finalized in 2016, but did not report implementing in 2017. As a result, authorities remained without a formal system for identifying trafficking victims and referring them to services.

The government did not report providing any services to trafficking victims and did not directly shelter victims; the country's last shelter for trafficking victims closed when foreign funding expired in April 2016. The government's committee on women and family affairs' crisis center in Dushanbe offered women free legal and psychological assistance among other services but did not assist any trafficking victims. NGOs working on domestic violence also occasionally provided trafficking victims with medical and psycho-social care, legal and vocational training, and assisted in family reunification; however, the government did not provide financial support to such organizations.

Law enforcement officials sometimes temporarily detained sex trafficking victims but later released and referred them for assistance. Women in prostitution have reported instances of sexual violence by law enforcement officials. Furthermore, as law enforcement officials routinely deported foreign migrant workers and did not attempt to identify trafficking victims proactively among men and women in

prostitution or forced labor, it was possible officials prosecuted, detained, or penalized trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. In January 2018, the government announced that police raids had uncovered 280 brothels in Tajikistan, and registered 1,991 women as working in prostitution; the government did not report screening any of these women for indicators of trafficking.

Despite provisions in the 2014 law for security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses or their advocates. The law provided foreign victims with the right to request temporary residency, which could be extended for one year following the completion of a criminal case, based on the victims' cooperation with law enforcement agencies, although no such cases were reported in 2017. The 2014 victim protection law did not link other victim benefits to a victim's participation in a trial and provided victim services regardless of legal status or prior consent to participate in subsequently identified trafficking crimes.

PREVENTION

The government modestly increased efforts to prevent human trafficking. The 2014 law established a framework for the government to address human trafficking and a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. The government did not report any efforts of the commission or any actions related to the implementation of the national action plan in 2017. It also did not report on the efforts of the working group established in 2016 to ensure uniformity in the implementation of the action plan, referral mechanism, and 2014 anti-trafficking law.

The Ministry of Education continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. The government assigned an unspecified number of inspectors to conduct monitoring of the cotton harvest, continuing a practice begun in 2010 in cooperation with NGOs. International organizations, however, reported that no independent monitoring of the cotton harvest was conducted during the year.

In January 2018, the government launched a hotline service for potential victims that operated 24 hours a day; it did not report the number of calls received relevant

to potential trafficking crimes. A foreign-donor-funded and NGO-run hotline focused on aiding migrants, including potential trafficking victims, reported assisting 2,238 individuals; most calls were related to legal rights as migrants. In 2017, the government provided 98,000 Tajikistani somoni (\$11,200) to a local NGO for trafficking awareness-raising. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students. The government did not provide any other anti-trafficking training for its diplomatic personnel. Tajik law required entities engaged in recruitment of workers for employment abroad to obtain licenses from migration authorities and provided punitive measures for violations; in 2017 the Prosecutor General's Office initiated a criminal investigation against three private firms for fraudulent recruitment; the investigation remained ongoing. The Tajik migration service provided migrants with information on the risk of trafficking prior to travel abroad. In partnership with the migration service, lawyers employed by an international organization provided legal consultation on migration and trafficking at migration service support centers. The government made efforts to reduce the demand for commercial sex acts by investigating and prosecuting purchasers of commercial sex. The government did not report any efforts to reduce the demand for forced labor.

TRAFFICKING PROFILE

As reported over the past five years, Tajikistan is a source and, to a lesser extent, destination country for men, women, and children subjected to forced labor, and a source and destination country for women and children subjected to sex trafficking. Extensive economic migration exposes Tajik men, women, and children to the risk of exploitation. Tajik men and women are subjected to forced labor in agriculture and construction in Russia, UAE, Kazakhstan, and, to a lesser extent, in other neighboring Central Asian countries, Turkey, and Afghanistan. There are growing cases of men being subjected in Tajikistan to labor exploitation in agriculture, construction, and at markets, as well as limited reports of sex trafficking. Women and children from Tajikistan are subjected to sex trafficking primarily in Turkey, UAE, and Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan. The government required its citizens to participate in manual labor, such as cleaning roads and park maintenance, and threatened that government officials could be penalized if their spouses do not participate.

Women and minors are increasingly vulnerable to trafficking. In some cases, migrant laborers abandon their families, making women more vulnerable to

trafficking as sole providers for their families. The Russian re-entry ban has changed the nature of labor migration in Tajikistan. As many as 152,000 Tajik migrants remained banned in 2017, and although government data indicates a decline in the departure of prospective male labor migrants, Tajik women are departing in search of work at an increased rate—from 2015 to 2016 there was a 27 percent increase observed among women. Other migrants prefer to stay in irregular status in Russia, and face greater risks of exploitation and deportation, than risk being banned after visiting family in Tajikistan. Many migrants are leaving for Russia with no intent to return to Tajikistan. International organizations estimate that the number of Tajik citizens living and working in Russia is approaching one million. Some women who traveled to Syria or Iraq with promises of marriage were instead sold into sexual slavery. Tajik women and girls are transported to Afghanistan for the purpose of forced marriage, which can lead to domestic servitude, sex trafficking, and debt bondage. Tajik children are subjected to sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan. Tajik children and adults may be subjected to forced labor in agriculture—mainly during Tajikistan’s fall cotton harvest—and in dried fruit production. Afghan and Bangladeshi citizens are vulnerable to forced labor in Tajikistan, including in the construction industry.